UNITED STATES PATENT AND TRADEMARK OFFICE

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09/412,738	10/04/1999	ALEXANDER I. HOPMANN	13768.119	1043

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EXAMINER
NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
2154	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/412,738	Applicant(s) HOPMANN ET AL.
	Examiner Dustin Nguyen	Art Unit 2154

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 June 2003* .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

   4a) Of the above claim(s) *15* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14 and 16-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____ .

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

DETAILED ACTION

1.   Claims 1 – 14, 16 - 43 are presented for consideration.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-11, 13, 14, 16-19, 21-43 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Beizer et al. [US Patent No 6,240,414], in view of Hogberg et al. [US Patent

No 6,377,540].

4.   As per claim 1, Beizer discloses the invention substantially as claimed including a system

capable of replicating a server copy of a resource stored on one or more servers with a client

copy of the resource stored on one or more clients, a method for resolving a resource conflict

comprising the steps of:

        detecting, by the server, that the resource on the server conflicts with the copy of the

resource on a client [col 5, lines 22-26 and lines 53-56];

        determining, at the server, whether the server can resolve the conflict between the

resource and the copy of the resource into a single version of the resource [col 6, lines 4-16; and

col 12, lines 21-29];

creating, by the server, a conflict resource, if the conflict cannot be resolved by the server

[col 6, lines 17-34].

evaluating, at the client, whether the conflict resource can be resolved into a single

version of the resource in accordance with a schema of the client if the conflict was not resolved

at the server [col 11, lines 19-30].

Beizer does not specifically disclose

presenting the conflict resource to a user if the conflict resource cannot be resolved by the

client.

Hogberg discloses

presenting the conflict resource to a user if the conflict resource cannot be resolved by the

client [Abstract; and col 10, lines 39-47].

It would have been obvious to a person skill in the art at the time the invention was made

to combine Beizer and Hogberg because Hogberg's teaching of presenting the conflict resource

to user would provide one more level for resolving any resource conflict to prevent system from

halting when facing unresolved conflict.

5.   As per claim 2, Beizer discloses the step of comparing a client resource tag, provided by

the client, with a server resource tag [col 7, lines 41-62].

6.   As per claim 3, Beizer discloses the client resource tag is representative of a version of

the resource [col 5, lines 53-56].

7.   As per claim 4, Beizer discloses the server resource tag is representative of a version of

the resource [col 6, lines 4-16].

8.   As per claim 5, Beizer discloses the step of resolving the conflict at the server [col 3,

lines 1-11].

9.   As per claim 6, Beizer discloses the step of comparing the client copy of the resource

with the server copy of the resource [col 5, lines 65-col 6, lines 3].

10.   As per claim 7, Beizer discloses the conflict resource comprises the server copy of the

resource and the client copy of the resource [col 5, lines 9-13; col 6, lines 12-15; and col 14,

lines 22-25].

11.   As per claim 8, it is rejected for similar reasons as stated in claim 1.

12.   As per claim 9, Beizer discloses

        uploading the resolved conflict resource to the server [col 17, lines 18-34]; and

        returning a new resource tag to the client from the server [col 6, lines 14-16].

13.   As per claim 10, it is method claimed of claims 1-5, it is rejected for similar reasons as

stated above as in claims 1-5. Furthermore, Beizer discloses determining that a conflict exists if

the client resource tag does not match the server resource tag [Abstract].

14.   As per claim 11, it is rejected for similar reason as stated above in claim 2.

15.   As per claim 13, Beizer discloses the step of initiating the conflict detection from the client [col 11, lines 21-22].

16.   As per claim 14, it is rejected for similar reason as stated in claim 6.

17.   As per claim 16, Beizer discloses the step of resolving the conflict in accordance with a schema known to the server [col 12, lines 21-26].

18.   As per claim 17, it is rejected for similar reasons as stated in claims 1, 10 and 13.

19.   As per claims 18 and 19, they are rejected for similar reasons as stated above in claims 6 and 7.

20.   As per claim 21, Beizer discloses the conflict resource comprises information useful to the client for resolving the conflict [Figures 5 and 6].

21.   As per claim 22, it is rejected for similar reason as stated above in claim 1.

22.   As per claim 23, it is rejected for similar reasons as stated in claims 2-4, and 10.

23.   As per claims 24-26, they are rejected for similar reasons as stated above in claims 1 and

10.

24.   As per claim 27, Beizer discloses the step of comparing the changes made to the client

copy of the resource and the server copy of the resource [Abstract].

25.   As per claim 28, it is rejected for similar reason as stated in claim 9.

26.   As per claim 29, it is rejected for similar reason as stated in claim 9. Furthermore, Beizer

discloses the new resource tag identified the current version of the server copy of the resource

and the client version of the resource [col 20, lines 15-27].

27.   As per claims 30 and 31, they are rejected for similar reasons as stated above in claims 1

and 10. Furthermore, Hogberg discloses a third level of conflict resolution requires an end user

to resolve the conflict [col 10, lines 40-47 and lines 53-57].

28.   As per claim 32, it is rejected for similar reasons as claim 10.

29.   As per claim 33, it is rejected for similar reason as stated above in claim 17.

30.   As per claims 34 and 35, they are rejected for similar reason as stated above in claims 1

and 10.

31.   As per claims 36-38, they are rejected for similar reasons as stated above in claims 8, 1

and 16 respectively.

32.   As per claim 39, it is rejected for similar reasons as stated in claim 9.

33.   As per claim 40, it is program product claimed of claims 1 and 17, it is rejected for

similar reasons as stated in claims 1 and 17.

34.   As per claim 41, it is program product claimed of claim 9, it is rejected for similar

reasons as stated above in claim 9.

35.   As per claims 42 and 43, it is rejected for similar reasons as stated in claims 10, 17, 30

and 31.

36.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beizer et al. [US

Patent No 6,240,414], in view of Hogberg et al. [US Patent No 6,377,540], and further in view

of Cummins [US Patent No 6,289,410].

37.   As per claim 12, Beizer and Hogberg do not specifically disclose the client resource tag is

transmitted to the server in a PUT method. Cummins discloses the client resource tag is

transmitted to the server in a PUT method [col 1, lines 57-61]. It would have been obvious to a

person skill in the art at the time the invention was made to combine the teaching of Beizer,

Hogberg and Cummins because Cummins' teaching would provide a predefined method for

client and server to communicate with each other.

38.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beizer et al. [US

Patent No 6,240,414], in view of Hogberg et al. [US Patent No 6,377,540], and further in view

of Howard [US Patent No 5,600,834].

39.   As per claim 20, Beizer and Hogberg do not specifically disclose a set of differences

existing between the server copy of the resource and the client copy of the resource. Howard

discloses a set of differences existing between the server copy of the resource and the client copy

of the resource [col 3, lines 39-53; and col 8, lines 48-53]. It would have been obvious to a

person skill in the art at the time the invention was made to combine the teaching of Beizer,

Hogberg and Howard because Howard's teaching would allow the system to reconcile files into

a most up to date version [Howard, col 3, lines 16-22].

40.   Applicant's arguments with respect to claims 1-14, 16-42 have been considered but are

moot in view of the new ground(s) of rejection.

41.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The

examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (703) 305-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen

ZARNI MAUNG
PRIMARY EXAMINER